

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

GUNTHER J. HALCSIN

Case No. 19- 1171-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of on or about May 3, 2019 in the county of Montgomery in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

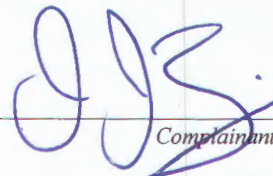
18 USC 2251

Offense Description

Manufacture and attempted manufacture of child pornography

This criminal complaint is based on these facts:

See Attached Affidavit

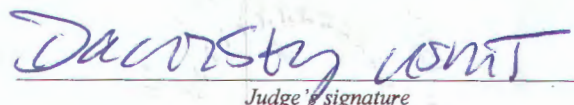
☐ Continued on the attached sheet.

Complainant's signature

James Zajac, SA FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

July 10, 2019

*Judge's signature*City and state: Philadelphia, Pennsylvania

HON. DAVID R. STRAWBRIDGE

Printed name and title

ATTACHMENT A

Count One –Manufacture and Attempted Manufacture of Child Pornography – 18 U.S.C. § 2251

On or about May 3, 2019, in the Eastern District of Pennsylvania, defendant GUNTHER J. HALCSIN knowingly employed, used, persuaded, induced, enticed, or coerced MINOR #1, a person under the age of 18 years, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and attempted to do so, using materials that have been mailed, shipped, or transported in and affecting interstate and foreign commerce.

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, James J. Zajac, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI for 13 years, and am currently assigned to the Philadelphia Division's Violent Crimes Against Children Squad. While employed by the FBI, I have investigated federal criminal violations related to identity theft, Internet fraud, computer intrusions, and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, training at the Violent Crimes Against Children Unit of the FBI, various conferences involving Innocent Images and Crimes Against Children, and everyday work related to conducting these types of investigations.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that GUNTHER J. HALCSIN, date of birth [REDACTED] committed violations of Title 18 U.S.C. § 2251 which makes it a crime to employ, use, persuade, induce, entice, or coerce any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, or attempts to do so.

LEGAL AUTHORITY

4. Title 18 U.S.C. § 2251(a) and (e) prohibit a person from employing, using, persuading, inducing, enticing, or coercing any minor to engage in any sexually explicit conduct, and any attempts to do so, for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live depiction of such conduct, if such person knows or has reason to know the visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, if the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

FACTS SUPPORTING PROBABLE CAUSE

5. On July 4, 2019 Twitter submitted CyberTipline Reports to NCMEC to advise they had identified the user ALL3ONHIDDENCAM, as having live-streamed a video through Twitter's Periscope service indicating he was sexually abusing his 12 year old daughter. This live stream occurred on July 4, 2019. The CyberTipline reports indicated that personnel at Twitter reviewed the video before submitting the information to NCMEC's CyberTipline.

6. On July 9, 2019 these CyberTipline reports were forwarded to your Affiant for investigation. Your Affiant reviewed the CyberTipline reports referenced above and the video, since personnel at Twitter indicated they had already viewed the video.

7. Upon reviewing the video, in your Affiant's opinion, it depicts child pornography, or an attempt to manufacture child pornography, as defined in 18 U.S.C. § 2256. The video is approximately five minutes long and depicts an adult male walking around his house. He states he is living at his daughter's friend's house. At times he shows the bathroom of

the house and explains how he hides a camera in what appears to be a laundry basket under a metal shelf to secretly record individuals. At times he shows a second device, possibly a smart phone or tablet computer, and scrolls through pictures saved on the device.

8. Amongst the pictures are ones of a female the man refers to as his 12 year old daughter. She is nude in the bathroom and appears to be unaware of the hidden camera. Some pictures depict her naked buttocks and in others her naked breasts. Other pictures show who appears to be this same girl sleeping and an adult male placing his penis in her mouth. In the video when he shows the picture of the girl sleeping with a penis in her mouth he states, "That's what happens when they go to sleep, they don't know shit about it." He then says in the video the girl in the picture is his daughter. He also states he has plenty of videos and when showing the second device it appears there are numerous other pictures and videos of the minor girl nude or in states of undress saved on the device. Some of the photos he shows also depict his face while he is hiding the camera in the bathroom.

9. During the video the man states he has pictures of his ex-fiancé (name stated on the video), and saved on the second device he is displaying pictures on, there appears to be a folder with that name, which has been redacted from this affidavit to protect her identity. Records checks for the ex-fiancé name, to include a search of Facebook, located photos of a woman with that name, and amongst her Facebook pictures were pictures of her with an adult male named GUNTHER J. HALCSIN who matches the adult man in the video provided by Twitter.

10. Through additional investigation to include records checks, online research, and surveillance, it was determined that GUNTHER J. HALCSIN, date of birth [REDACTED] was residing at 511 Beech Street, Pottstown, PA 19464 and this appeared to

be the location where the video via Periscope was recorded on July 4, 2019 along with the videos depicting the minor nude in the bathroom.

11. On July 9, 2019 your Affiant applied for and was granted a federal search warrant, criminal number 19-1170-M, by United States Magistrate Judge David R. Strawbridge, Eastern District of PA, to search the residence at 511 Beech Street, Pottstown, PA 19464 and seize evidence of violations of 18 U.S.C. §§ 2251 and 2252.

12. On July 9, 2019 this search warrant was executed. HALCSIN was residing at this residence with two other adults who were his friends, along with their four minor children. HALCSIN was interviewed by your Affiant and Special Agent (SA) Glenn Booth. HALCSIN agreed to speak with the interviewing Agents and was advised he was not under arrest and did not have to speak with the Agents. The interview was audio recorded.

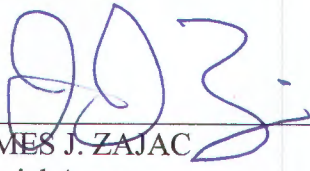
13. HALCSIN stated he has been living at this residence for approximately the last four months. He has a 13 year old daughter. He does use Periscope under the user name ALL3ONHIDDENCAM. HALCSIN used Periscope on July 4, 2019, among other dates, and shared nude pictures and videos of his ex-fiancé along with other hidden camera pictures and videos. HALCSIN admitted to hiding his smart phone in the bathroom of this residence and recording a 12-year old girl undressing in the bathroom of this residence and taking a shower. HALCSIN stated this was the video and pictures he distributed over the internet via Periscope. HALCSIN stated this child was not his daughter, but was the 12 year old daughter of his friend with whom he had been living over the last four months. He also admitted that a few years ago he recorded his own daughter nude in the bathroom similar to this hidden video recording. HALCSIN stated all of his videos and pictures will be saved on his electronic devices.

14. HALCSIN's LG model LM-X220 smart phone with serial number 901CYUK0537758 and Amazon Fire tablet computer with serial number G000N607742100LA were seized from his bedroom during the execution of this search warrant. HALCSIN provided the PIN codes to unlock these devices. A preliminary review of these devices located the hidden bathroom recording of the minor made at this residence within the Gallery application of HALCSIN's LG smart phone. HALCSIN stated he used this LG smart phone to make the recording because the camera is located at the top of the smart phone so it was easier to hide. The video has the file name 20190503_234227(1).mp4, indicating the video was created on May 3, 2019. HALCSIN identified the girl in this video as the 12 year old girl at the residence. The video depicts the minor in the bathroom undressing until she is completely nude and entering the shower. At times her naked buttocks, breasts, and vagina are exposed and visible. HALCSIN stated he edited this video because the beginning of the video contained his face and he wanted to remove his face from the video.

CONCLUSION

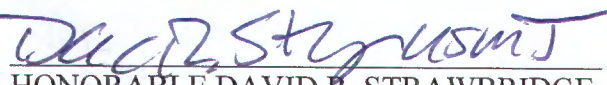
15. Based upon the information above I respectfully submit that there is probable cause to believe that GUNTHER J. HALCSIN, date of birth [REDACTED] did employ, use, persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and did attempt to do so, in violation of Title 18 U.S.C. § 2251, as more fully set forth in Attachment A.

16. Therefore, I respectfully request that the attached arrest warrant be issued authorizing the arrest of GUNTHER J. HALCSIN, date of birth [REDACTED]



JAMES J. ZAJAC
Special Agent
Federal Bureau of Investigation

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 10th DAY
OF JULY, 2019.



HONORABLE DAVID R. STRAWBRIDGE
United States Magistrate Judge